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PATENT CASE: AL0425KQ9**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**-----X
In re Application of:

Sequeira, et al

Serial No.: 10/763,143

Filed: 1/22/04

For : USE OF MOMETASONE
FUROATE FOR TREATING AIRWAY
PASSAGE AND LUNG DISEASES
-----X

: Examiner: Clardy

: Group Art Unit: 1616

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**RESPONSE TO OFFICE ACTION**

Sir:

The time for response to the Office Action of 10/06/04 expires on 1/06/05. As this response is being filed prior to that date, it is not believed that any fees are due for any extensions of time. In the event that any fees are due, please charge any fees to Deposit Account No. 19-0365.

REMARKS**Double Patenting**

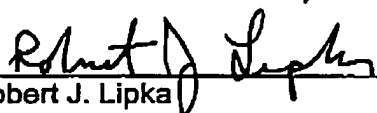
Claims 1 and 30-38 have been rejected for obviousness type double patenting over U.S. Patent Nos. 6,723,713, 6,677,323, 6,677,322, 6,365,581, 6,057,307, 5,889,015, 5,837,699, and provisionally rejected over co-pending Patent Application Serial No. 10/763,295 issued in the name of the same inventive entity and assigned to the same assignee as the above captioned case. Submitted herewith is a terminal disclaimer over the claims of those

patents and co-pending application. Also submitted is the fee required for the terminal disclaimer. Accordingly, it respectfully is submitted that the rejection of the claims for all of the foregoing reasons should be withdrawn.

Date: 12/21/04

Respectfully submitted,

By:


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